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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,098

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Joachim Droese

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EXAMINER

HA, STEVEN S

ART UNIT

PAPER NUMBER

1793

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,098	<b>Applicant(s)</b> DROESE, JOACHIM	
	<b>Examiner</b> Steven Ha	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Applicant's response filed April 23, 2009 is acknowledged. Claims 1-3, 5, and 23 have been amended, claims 8-22 have been cancelled, and claims 1-32 remain pending. Since new grounds of rejection are presented, this action is made NON-FINAL.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-2, 6, 23-24, 28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fissler (US 5,487,329) and Sollo (US 6,782,599).**

Regarding claims 1, 6, 23, and 28, Fissler teaches a method for producing cookware composed of a base body (container base, 4, Fig. 1; col. 4, lines 35-44) and a multi-part bottom attached thereto (covering base, 7, with recesses, 8, and filling pieces, 9, Figs. 2-3; col. 4, lines 45-59), the multi-part bottom comprising a capsule (covering base recesses, 8, Figs. 2-3; col. 4, lines 45-59) and an inlay (covering base filling pieces, 9, Figs. 2-3; col. 4, lines 45-59) received within the capsule, said method comprising forming the base body as one integral piece (round container, 2, with container casing, 3, and container base, 4, Fig. 1; col. 4, lines 35-44), connecting the base body (container base, 4, Fig. 1; col. 4, lines 35-44) to the multi-part bottom

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(covering base, 7, with recesses, 8, and filling pieces, 9, Figs. 2-3; col. 4, lines 45-59) via soldering (col. 3, lines 50-55), and a calibrated multi-part bottom that is bulged inwards with respect to the lower side thereof a predetermined distance (preferably a covering base cold bottom geometry which is slightly concave; col. 3, lines 21-38); however, Fissler is silent to calibrating the multi-part bottom using a displacement controlled pressing device having a position control.

Sollo teaches calibrating a bottom using a displacement controlled pressing device having a position control (drawing punch, 19, with matrix, 18, Fig. 7; col. 5, lines 30-57). Sollo teaches that with this process, any kind of pot or pan can be manufactured that avoids bulgings deriving from thermal strain.

In view of Sollo's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Fissler to include the teachings of Sollo because calibrating a bottom with a displacement controlled pressing device can make any kind of pot or pan which avoids bulgings deriving from thermal strain.

Regarding claims 2 and 24, Fissler teaches that the multi-part bottom (covering base, 7, with recesses, 8, and filling pieces, 9, Figs. 2-3; col. 4, lines 45-59) is mechanically reinforced (attached to plate 5, see Fig. 1). Additionally, work hardening occurs during calibration of the bottom, which also provides for mechanical reinforcement.

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Regarding claims 7 and 29, Fissler is silent to calibrating and connecting the base body and bottom in one step.

Sollo teaches calibrating and connecting the base body and bottom in one step (Plate member, 1, is attached to the semimanufactured vessel, A, which is already calibrated. Since plate member 1 conforms to the bottom of the semimanufactured vessel, A, it must also become calibrated while it is connected; col. 6, lines 15-67).

In view of Sollo's teachings, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fissler to include the teachings of Sollo. Calibrating and connecting the base body and bottom in one step would save time and speed up manufacturing of the product.

Regarding claim 30, Fissler teaches wherein the cookware is a pot (col. 1, lines 5-7).

Regarding claim 31, Fissler is silent to wherein said forming the base body is by deep-drawing.

Sollo teaches shaping by drawing which can be applied to flat members of remarkable thickness (col. 5, lines 22-57).

In view of Sollo's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Fissler with the teachings of Sollo because deep-drawing can be applied to metal pieces of great thickness to craft a large pot or pan.

Regarding claim 32, Fissler is silent to wherein the pressing device is a toggle press.

Sollo teaches a toggle press (drawing punch 19, and matrix 18, see Fig. 7; col. 5, lines 30-40). The drawing is advantageously simple because it only applies one pressure regardless of the shape of the vessel to be produced.

In view of Sollo's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Fissler to include the teachings of Sollo because a toggle press only applies one pressure regardless of the shape of the vessel to be produced.

**2. Claims 3-5, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fissler and Sollo, as applied to claims 1 and 23 above, and further in view of Chatterton et al. (US 6,149,053).**

Regarding claims 3 and 25, the combination of Fissler and Sollo is silent to reinforcing ribs stamped into the lower side of the multi-part bottom.

Chatterton et al., hereinafter referred to as "Chatterton," teaches ribs that are stamped to the bottom of a pan in order to increase the bend strength (col. 1, ln 39-43).

In view of Chatterton's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method as taught by Fissler and Sollo, stamping ribs onto the lower side of the bottom in order to add extra bend strength to the cookware for mechanical reinforcement.

Regarding claims 4 and 26, the combination of Fissler and Sollo is silent to stamping the plurality of reinforcing ribs in a position controlled manner.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the bend strength (col. 1, ln 39-43).

Though Chatteron et al. is silent to the specific manner, it follows from stamping ribs that the process must be position controlled in order to achieve the appropriate size and depth of ribs. Thus, it would be obvious to one of ordinary skill in the art at the time of the invention to include, with the method as detailed by Fissler and Sollo, stamping ribs in a position controlled manner to provide reinforcing ribs that increase the bend strength.

Regarding claims 5 and 27, the combination of Fissler and Sollo teaches press stamping as discussed above, but is silent to simultaneously calibrating and stamping the reinforcing ribs into the multi-part bottom.

Chatteron et al. teaches ribs that are stamped to the bottom of a pan in order to increase the bend strength (col. 1, ln 39-43).

In view of Chatterton's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Sollo and Zani to include the teachings of Chatteron. Since the stamped ribs of Chatteron help reinforce the resultant pan, and press-stamping is known to help reinforce the resultant product, it

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would be obvious to simultaneously press-stamp the ribs while calibrating the bottom to simplify manufacturing steps and decrease the time it takes to produce the product.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-7 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

4. On pages 7-8, Applicant argues that Sollo does not teach calibration using a "displacement-controlled" pressing device.

Examiner points to the teachings of Sollo where a pressing device comprised of a drawing punch, 19, and a matrix, 18, are able to impart a convex shape to avoid bulgings deriving from thermal strain (Sollo, col. 5, lines 45-47). Furthermore, Sollo teaches that the drawing is advantageously of a simple type, implying only one pressure (col. 5, lines 38-40). This implies that the pressing device is independent of force since it imparts only one pressure, and thus must impart the drawing based on displacement. Additionally, it is obvious that any pressing device can be controlled via the amount that it is displaced.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ha whose telephone number is (571)270-5934. The examiner can normally be reached on Monday - Thursday 8:30 - 6 & Alternate Fridays 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Steven Ha/

Examiner, Art Unit 1793

August 12, 2009

/Stanley Silverman/

Supervisory Patent Examiner, Art Unit 1793